

# **FACT SHEET**

## **APPROPRIATION PROCESS IMPROVEMENT FOR FEDERAL LAND TRANSFERS**

**developed by the  
ADOT / BLM / FHWA Right of Way Subgroup**

In April of 2000, the Arizona Department of Transportation (ADOT), the Bureau of Land Management (BLM), and the Federal Highway Administration (FHWA) began a partnering effort to improve interagency relationships and processes. The acquisition of rights of way for highways and materials from the BLM was one area identified as a critical area of agency interaction. Thus, a Right of Way Subgroup, comprised of right of way specialists from all three agencies, was formed. The group has been successful in developing an improved appropriation process for federal land transfers, reducing the typical time to obtain right of way from over four months to less than 60 days. This has been achieved through development of a number of documents designed to improve communications and a streamlined appropriation process.

### **RIGHT OF WAY SUBGROUP DOCUMENTS:**

1. **Right of Way Glossary** consisting of a *Glossary of Terms* and a list of *Common Acronyms & Abbreviations*;
2. **Project Reference** designed to consolidate project-specific documents and agreements, as well as to ensure that project stakeholders receive pertinent information in a timely manner throughout the life of the project;
3. **Standard e-mails** between ADOT & FHWA, determining public necessity and requesting/receiving FHWA concurrence to appropriation of BLM lands;
4. **Standard Application Letters** from ADOT to BLM requesting appropriation of public lands (federal land transfer);
5. **Standard Letter of Consent** to appropriation of public lands (federal land transfer) from BLM to ADOT; and
6. **Standard Highway Easement Deeds** for both linear and material site rights-of-way.

### **APPROPRIATION PROCESS:**

The right of way appropriation process begins upon completion of the required environmental analysis and identification of the required right of way. As part of the overall interagency partnering effort, there have also been improvements in the environmental analysis process effected by the NEPA Subgroup. These process improvements are detailed in the new *Operating Agreement* which supplements the new *Memorandum of Understanding* between the three agencies, both of which were signed and made effective April 23, 2003.

### **APPROPRIATION PROCESS:** (cont.)

**Prior Process:** Once the environmental analysis was complete and the required right of way identified,:

1. ADOT sent Application Letter requesting federal land transfer to FHWA;
2. FHWA reviewed, then prepared cover letter and transmitted application to BLM;
3. BLM reviewed request, then prepared Letter of Consent from BLM to FHWA;
4. FHWA then prepared letter to ADOT authorizing federal land transfer;
5. ADOT prepared Highway Easement Deed and obtained FHWA signature (NOTE: Existing regulations for federal land transfers required that each deed of conveyance be certified as “legally sufficient” by attorneys for both ADOT and FHWA);
6. ADOT had Highway Easement Deed recorded and forwarded copies to BLM & FHWA.

**Improved Process:** Once the environmental analysis is complete and the required right of way identified,:

1. ADOT sends e-mail to FHWA requesting concurrence of public necessity;
2. FHWA reviews and (if approved) responds to ADOT via e-mail;
3. ADOT sends application letter requesting appropriation of federal land directly to BLM, with copy to FHWA;
4. BLM reviews request and (if approved) prepares letter of consent addressed to FHWA, but sent directly to ADOT with copy to FHWA;
5. ADOT prepares Highway Easement Deed and obtains FHWA signature (NOTE: with the development of the standard Highway Easement Deed and agreement from all three agencies, the standard deed is pre-certified and will only require re-certification if there are any changes to the standard language);
6. ADOT has Highway Easement Deed recorded and forwards copies to BLM & FHWA.

[**Note:** This Fact Sheet is intended as an executive summary and not as a “how-to” for those who work in right of way. Please refer to the Operating Agreement, Supplementing Memorandum of Understanding No. AZ-931-0309, (Section VI-F) and its Illustrations for the complete procedure and contact ADOT right of way with any questions].